

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI



In Re:

ADOPTION OF INTERIM BANKRUPTCY RULE 1007-1 and AMENDED Official Form B22A

THIRD ~~SECOND~~ AMENDED 2008 STANDING ORDER NO. 2 - Effective December 13, 2011 ~~2010~~

Whereas, this court promulgated Amended 2008 Standing Order No. 2 adopting Interim Bankruptcy Rule 1007-1 to be effective December 19, 2009, **and**

Whereas, this court **amended** ~~now amends~~ this standing order effective December 1, 2010 to adopt subsequent changes to Bankruptcy Rule 1007-1 which superseded **d** selected provisions in the Interim Bankruptcy Rule, **and**

Whereas, on October 20, 2008, the National Guard and Reservists Debt Relief Act of 2008, Pub. L. No. 110-438 (the Act) was enacted into law; and

Whereas, provisions of the Act modifying provisions of the Bankruptcy Code ~~are~~ were effective December 19, 2008; and

Whereas, the Advisory Committee on Bankruptcy Rules has requested approval of Interim Rule 1007-1, Lists Schedules, Statements, and Other Documents; Time Limits and an amendment to Official Form 22A, Statement of Current Monthly Income and Means Test Calculation to implement the substantive and procedural changes mandated by the Act including temporary exclusion from the bankruptcy means test for Reservists and members of the National Guard called to active duty or homeland defense activity after September 11, 2001, for at least 90 days; and

Whereas, acting on behalf of the Judicial Conference, the Executive Committee has approved the Revision of Form 22A and the transmission of the Interim Rule to the district courts with a recommendation that it be adopted through a local rule or standing order; and

Whereas, the general effective date of the Act has not provided sufficient time to promulgate rules after appropriate public notice and an opportunity for comment; and

Whereas, the Statutory Time Period Technical Amendments Act of 2009 was enacted effective December 1, 2009 to modify time deadlines in Rule 1007-1 of the Federal Rules of Bankruptcy Procedure which supersede the time deadlines in Interim Bankruptcy Rule 1007-1; and

Whereas, the Judicial Conference approved an amendment to the deadline for filing the statement

under Bankruptcy Rule 1007(b)(7) effective December 1, 2010 which supersedes the time deadline in Interim Bankruptcy Rule 1007-1, and

Whereas, on December 13, 2011, the President signed the National Guard and Reservist Debt Relief Extension Act of 2011, Pub. L. No. 112-64, extending for an additional four years the temporary exclusion from the bankruptcy means test for certain Reservists and members of the National Guard, and

Whereas, the enactment of Public Law 112-64 requires that Interim Bankruptcy Rule 1007-1 be amended so that the Interim Rule applies to bankruptcy cases commenced in the seven-year period beginning December 19, 2008.

NOW THEREFORE, pursuant to 28 U.S.C. section 2071, Rule 83 of the Federal Rules of Civil Procedure and Rule 9029 of the Federal Rules of Bankruptcy Procedure, the attached Interim rule is adopted by a majority of the judges of this court to be effective December 13, 2010 to conform with as modified by the Statutory Time Period Technical Amendments Act of 2009, the National Guard and Reservist Debt Relief Extension Act of 2011, and by subsequent Rule changes. This Interim rule shall remain in effect for cases commenced in the seven three-year period beginning December 19, 2008, consistent with the new Act or until further order of the court.

DATED: 1/19/12

/s/
Arthur B. Federman, Chief Bankruptcy Judge

DATED: 1/19/12

/s/
Jerry W. Venters, Bankruptcy Judge

DATED: 1/19/12

/s/
Dennis R. Dow, Bankruptcy Judge